Remarks

35 U.S.C. §103

On pages 2 and 3 of the Office Action, at paragraphs 1 and 2, claims 1 to 20 are rejected under 35 U.S.C. §103(a) as being unpatentable over Blinka et al. (US 5,834,079) in view of Peiffer et al. (US 5,681,650), Hauenstein et al. (US 5,708,084), and Mehta (US 5,080,489) . Applicants respectfully traverse this rejection to the extent it is applied to the claims as now presented.

With respect to independent claims 1 and 11, the applicants have now amended these claims to require that the kinetic coefficient of friction (film surface to film surface) of the film is 0.5 or less (ASTM D1894-99), and that the average oxygen scavenging rate of the film is at least 20 cc/m^2/day four days after an oxygen scavenging property of the film is activated. Claims 21 and 22 have been added. The Applicants submit that no new matter has been added. Support for the amendment of claims 1 and 11, and new claims 21 and 22, can be found e.g. in original claims 7 and 8, now canceled, and claim 17, also canceled, as well as at various portions of the specification, including the examples, page 26, lines 14 to 16, page 28, lines 13 to 15, page 31, lines 15 to 18, and page 34, lines 13 to 16.

The Office Action relies on Blinka et al. for the teaching of an oxygen scavenger, as well as for other features of the claimed invention (see page 2, paragraph 2 of the Office Action). The Office Action recognizes that Blinka et al. fails to disclose the claimed siloxane in the outer layer.

The Office Action relies on Peiffer et al. for the teaching of an outer layer containing antiblocking agent and silicone oil, as well as for other features of the claimed invention (see page 2, paragraph 2 of the Office Action). The Office Action recognizes that Peiffer et al. fails to disclose the claimed viscosity of siloxane material.

The Office Action relies on Hauenstein et al. for the teaching of a siloxane material with the viscosity and molecular weight indicated at page 3, first paragraph of the Office Action.

The Office Action relies on Mehta for the teaching of a blend of siloxane materials that includes a high molecular weight polysiloxane with a number average molecular weight of from 60,000 to 2,000,000; the blend providing reduced coefficient of friction (page 3, second paragraph of the Office Action).

The Office Action concludes, at page 3, third paragraph of the Office Action that

> it would have been obvious to a person of ordinary skill in the art to which this invention pertains to utilize disclosures of Peiffer et al., Hauenstein et al. and Mehta in the invention of Blinka et al. to add Mehta's polysiloxane blend in the outer layer with antiblocking agent to improve processability and to reduce coefficient of friction.

Applicants respectfully disagree.

In the present invention, in one aspect, a multilayer film comprises an internal layer comprising an oxygen scavenger, and a first and second outer layer, at least one of which comprises a blend of a polymer, a siloxane having a viscosity of from $1x10^7$ centistokes to $5x10^7$ centistokes, and an antiblocking agent.

The inventors have found a benefit in making this combination, such that a desirable coefficient of friction can be obtained, while obtaining oxygen scavenging performance from the film. The extensive examples and comparative examples given on pages 24 through 37 of the present specification provide evidence of the benefit of the claimed combination.

Applicants respectfully submit that of the references relied on in the Office Action, only Blinka et al. appears to disclose an oxygen scavenger. None of the references relied on in the Office Action appears to disclose a combination of an antiblocking agent and a polysiloxane falling within the parameters of the present invention. None of Peiffer et al., Hauenstein et al., and Mehta appear to disclose an oxygen scavenger. Although Blinka et al. offers data on oxygen scavenging activity, and Mehta refers to reduced coefficient of friction utilizing a siloxane blend that includes a siloxane falling within the present claims, neither of these references, nor the Peiffer et al. and Hauenstein et al. references, addresses the problem of solving the challenge of providing both oxygen scavenging activity and a low coefficient of friction in a single film.

As indicated in the present specification, conventional amide wax usage in oxygen scavenging films has been shown to degrade the oxygen scavenging performance of the film, e.g. oxygen scavenging rate, and also can negatively affect the organoleptic attributes of the film. Film test results indicate that although conventional combinations of inorganic antiblock and fatty amide wax slip agents can be effective for producing a low COF, oxygen scavenging film, properties such as oxygen scavenging rate, heat seal, and organoleptics are significantly degraded by the waxes.

In addition, fatty amide slip agents require adequate bloom time in oxygen scavenging films to yield high-slip, and are therefore potentially prone to the same inconsistent slip/openability, lamination, and printing problems that currently plague other slip/openability, lamination, and printing problems that currently plague other fatty amide containing high-slip films.

It is thus submitted that no motivation has been demonstrated in these references to combine them such that the claimed combination of antiblock agent and siloxane is employed in a film comprising an internal layer comprising an oxygen scavenger.

Applicants thus respectfully ask for allowance of the claims as amended.

If any fees are deemed due, please charge same to Deposit Account No. 07-1765.

Respectfully submitted,

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